

The Replacement Drawings submitted herewith will replace all prior versions of drawings in the application.

In Fig. 1, reference numeral 56 was added to show the bight portion, reference numeral 162 was changed to 164 to properly and consistently show the bolt, and reference numeral 156 was added to show the hand crank winch. In Fig. 3, reference numeral 164 was added to show the bolt and reference numeral 156 was added to show the hand crank winch. In Fig. 7, reference numeral 158 was replaced by 156 to properly and consistently show the hand crank winch, reference numeral 164 was added to show the bolt, and reference numeral 114 was replaced by 118 to properly and consistently show the pin. Support for Replacement Sheets can be found in the Specification and claims as originally filed. Therefore, Applicant respectfully submits that no substantial changes have been made to the Drawings, and that Figs. 1, 3, and 7 do not contain new matter. Entry thereof is respectfully solicited.

### **Remarks**

The following is a disposition of the claims. Claims 1-5, 10-13, 15-18, 20-25, 30-37, 42-45, 47-48, 50-55, and 60-62 are now pending in the application, claims 6-9, 14, 19, 26-29, 38-41, 46, 49, 56-59, and 63 have been withdrawn, and claims 1, 15, 16, 20, 25, 35, and 55 have been amended. It is respectfully submitted that the amendments to the claims do not constitute new matter. That is, the amendments to the claims are merely to make more explicit that which was implicit, inherent, or intrinsic from an overall view of the claims, drawings, and specification as originally submitted. Therefore, it is respectfully requested that such amendments to the claims be entered. For the reasons set forth below, Applicant believes the claims now pending in the application are in condition for allowance.

### **Election/Restrictions**

Applicant elected Species A in the reply filed on 2/15/06. Per Examiner's selection of claims belonging to species A, Applicant has withdrawn the above listed claims. Applicant respectfully submits that a full and complete election has been made.

### **Drawings**

In the Office Action dated May 18, 2006, the Examiner objected to the drawings under 37 CFR 1.83(a) stating the drawings must show every feature of the invention specified in the claims.

Applicants herein submit corrected drawings in compliance with 37 CFR 1.121(d).

### **Specification**

In the Office Action dated May 18, 2006, the Examiner objected to the disclosure because of the following informalities:

Item 114 is called a pin (page 11) and tubing (page 12).

Item 158 is called a post and winch (page 16).

Item 162 is called a bolt (page 16) and an arm (page 17).

Applicants have made the appropriate corrections as reflected in the amendments to the specification listed above.

### **Claim Objections**

In the Office Action dated May 18, 2006, the Examiner objected to claims 20, 25, 35, 55 because of the following informalities:

Claim 20, line 11 states "cooperates" but should state "cooperate".

Claim 25 is missing a period at the end of the claim.

Claim 35 has a period in line 19, but should instead have a semi-colon.

Claim 55 is missing a period at the end of the claim.

Applicants have made the appropriate corrections as reflected in the amendments to the claims listed above.

### **Claim Rejections - 35 USC § 112**

In the Office Action dated May 18, 2006, the Examiner rejected claims 15 and 16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have made the appropriate corrections as reflected in the amendments to the claims listed above.

### **Double Patenting**

In the Office Action dated May 18, 2006, the Examiner rejected claims 1, 2, 10 and 11 on the ground of non-statutory double patenting over claims 1-4 of U.S. Patent No. 6,406,248 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The Examiner's rejection to claims 1, 2, 10 and 11 on the ground of non-statutory double patenting has been obviated by the filing herewith of a Terminal Disclaimer wherein the term of any patent granted on the subject

matter of claims 1, 2, 10 and 11 will not extend beyond the term of U.S. Patent No. 6,406,248.

Therefore, it is respectfully requested that the Examiner withdraw his rejection and pass such claims to an expedient issue.

### **Claim Rejections - 35 USC § 102**

In the Office Action dated May 18, 2006, the Examiner rejected claims 1, 2, 10-13, 15-18, 33 and 34 under 35 U.S.C. 102(b) as being anticipated by Vermette et al. (U.S. 4,421,209).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 1, 2, 10-13, 15-18, 33 and 34 under 35 U.S.C. § 102(b).

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The Examiner states that the Vermette et al. reference discloses "a base frame 22; a mast 12 (178, etc.) supported by the base frame 22, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly 58, 46 associated with the mast for lifting the workload along at least a portion of the length of the mast; and a tilting assembly 32, 45 (etc.) associated with the mast and capable of adjusting an incline of the mast 12."

The Vermette et al. reference does not teach or describe a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly*. In order for a reference to form the basis of an anticipatory rejection pursuant to 35 U.S.C. § 102, the reference must specifically disclose each and every element of the Applicants' claims. Since the Vermette et al. reference does not teach all the elements of Applicants' currently amended claims, it does not form the basis for a proper anticipatory rejection.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of independent claim 1, and thus any rejection of claims 2 – 34 that depend therefrom, under 35 U.S.C. § 102(b), as applicable to claims now pending in the application.

### **Claim Rejections - 35 USC § 102**

In the Office Action dated May 18, 2006, the Examiner rejected claims 1, 2, 10, and 11 under 35 U.S.C. 102(b) as being anticipated by Cofer (U.S. 3,951,287).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 1, 2, 10, and 11 under 35 U.S.C. § 102(b).

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The Examiner states that the Cofer reference discloses "a base frame 14; a mast(16,24,62,etc.) supported by the base frame 14, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly 62 associated

with the mast for lifting the workload along at least a portion of the length of the mast; and a tilting assembly (70, 72, etc.) associated with the mast and capable of adjusting an incline of the mast."

The Cofer reference does not teach or describe a portable apparatus having a *non-extendable mast* supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast. In order for a reference to form the basis of an anticipatory rejection pursuant to 35 U.S.C. § 102, the reference must specifically disclose each and every element of the Applicants' claims. Since the Cofer reference does not teach all the elements of Applicants' currently amended claims, it does not form the basis for a proper anticipatory rejection.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of independent claim 1, and thus any of claims 2 – 34 that depend therefrom, under 35 U.S.C. § 102(b), as applicable to claims now pending in the application.

### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Vermette et al. (US 4,421,209) in view of Mayle (US 4,854,804).



Applicant respectfully traverses the above-stated rejection of Applicant's claims 3-5 under 35 U.S.C. § 103(a). That is, it is respectfully submitted that the prior art references of Vermette et al. and Mayle, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in claim 1.

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The teachings of the Vermette et al. reference were detailed above. The comments concerning the teachings of the Vermette et al. reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Mayle reference does not supply the deficiencies of the teachings of the

Vermette et al. reference. The Vermette et al. reference does not teach a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* and the Mayle reference does not supply this deficiency. The Mayle reference teaches an apparatus for lifting and carrying heavy loads and includes a generally horizontally extending support beam attached between a pair of generally vertically extending posts. The lower end of each post is attached to one of a pair of generally horizontally extending side beams which are connected together at a front end by a steering mechanism. A winch for moving a load is coupled to the support beam and is connected to either a pan or directly to a load for releasably engaging and lifting a load. A rear edge of the pan is rotatably attached to the side beams and a front edge can be lifted by the winch to dump a load carried on the pan.

For the reasons set forth above, it is respectfully submitted that the Vermette et al. reference does not disclose a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* per the expressly laid out elements of

claim 1;and the Mayle reference does not supply the deficiencies of the Vermette et al. reference. Neither reference, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claim 1, as amended, and thus claims 3 - 5 for depending therefrom.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 3 - 5, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

#### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 20-22 and 24-25 under 35 U.S.C. 103(a) as being unpatentable over Vermette et al. (US 4,421,209) in view of Lehman (US 5,207,550).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 20-22 and 24-25 under 35 U.S.C. § 103(a). That is, it is respectfully submitted that the prior art references of Vermette et al. and Lehman, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in claim 1.

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a

second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The teachings of the Vermette et al. reference were detailed above. The comments concerning the teachings of the Vermette et al. reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Lehman reference does not supply the deficiencies of the teachings of the Vermette et al. reference. The Vermette et al. reference does not teach a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* and the Lehman reference does not supply this deficiency. The Lehman reference teaches a drum handler is provided for manipulating drums of known dimensions. The handler includes a frame and carriage attached to

the frame to move along a vertical line of travel. A lift drive is provided for moving the carriage along the line of travel. A drum engagement is carried on the carriage for movement therewith. The drum engagement member includes mechanism for gripping a drum. A rotary drive is provided for rotating the gripping member about a generally horizontal axis.

For the reasons set forth above, it is respectfully submitted that the Vermette et al. reference does not disclose a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* per the expressly laid out elements of claim 1; and the Lehman reference does not supply the deficiencies of the Vermette et al. reference. Neither reference, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claim 1, as amended, and thus claims 20-22 and 24-25 for depending therefrom. In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 20-22 and 24-25, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 21-23 under 35 U.S.C. 103(a) as being unpatentable over Vermette et al. (US 4,421,209) in view of Lehman (US 5,207,550) and Vermette (US 3,587,892).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 21-23 under 35 U.S.C. § 103(a). That is, it is respectfully submitted that the prior art references of Vermette et al. '209 Lehman, and Vermette '892, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in claim 1.

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The teachings of the Vermette et al. '209 reference and the Lehman reference were detailed above. The comments concerning the teachings of the Vermette et al. '209 reference and the Lehman reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Lehman reference and the Vermette '892 reference do not supply the deficiencies of the teachings of the Vermette et al. '209 reference. The Vermette et al. '209 reference and the Lehman reference do not teach a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* and the Vermette '892 reference does not supply this deficiency. The Vermette '892 reference teaches a device for elevating, as well as for tipping or tilting drums, containers and the like for dumping the contents therefrom, which device includes an upright or post supported on a base and a carriage member slidable on said upright and operated by means of a winch which raises and lowers the carriage member on said upright. The carriage member supports a rotatable member which carries means for engaging a

drum container and the like so that the drum may be elevated as well as tipped or tilted.

For the reasons set forth above, it is respectfully submitted that the Vermette et al. '209 reference does not disclose a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* per the expressly laid out elements of claim 1; and the Lehman reference and the Vermette '892 reference do not supply the deficiencies of the Vermette et al. '209 reference. None of the references, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claim 1, as amended, and thus claims 21-23 for depending therefrom.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 21-23, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.



### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 30-31 under 35 U.S.C. 103(a) as being unpatentable over Vermette et al. (US 4,421,209) in view of Cofer (US 3,951,287).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 30-31 under 35 U.S.C. § 103(a). That is, it is respectfully submitted that the prior art references of Vermette et al. and Cofer, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in claim 1.

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The teachings of the Vermette et al. reference and the Cofer reference were detailed above. The comments concerning the teachings of the

Vermette et al. reference and the Cofer reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Cofer reference does not supply the deficiencies of the teachings of the Vermette et al. reference.

For the reasons set forth above, it is respectfully submitted that the Vermette et al. reference does not disclose a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* per the expressly laid out elements of claim 1; and the Cofer reference does not supply the deficiencies of the Vermette et al. reference. Neither reference, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claim 1, as amended, and thus claims 30-31 for depending therefrom.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 30-31, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 32, 35-37, 42-45, 47, 48, and 60-62 under 35 U.S.C. 103(a) as being unpatentable over Vermette et al. (US 4,421,209) in view of Cofer (US 3,951,287) and further in view of Mayle (US 4,854,804).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 32, 35-37, 42-45, 47, 48, and 60-62 under 35 U.S.C. § 103(a). That is, it is respectfully submitted that the prior art references of Vermette et al., Cofer, and Mayle, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in independent claims 1 and 35, as amended.

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

Applicant's claim 35, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame having an expandable portion adapted to allow for expansion of the base frame and a bight portion engaging the expandable portion; a non-extendable mast connected to the bight portion of the base frame so as to be centrally supported by the bight portion of the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; the mast being L- shaped and comprising a foot portion and an elongated member connected to the foot portion; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast, the lifting assembly comprising a lifting frame for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocateably traverseable generally along at least a portion of the length of the mast and a hoist assembly engaging the lifting frame via a flexible belt, wherein the hoist assembly retracts or advances the flexible belt to cause the lift assembly to traverse generally along at least a portion of the length of the mast; a translation assembly associated with the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast wherein the tilting assembly includes a screw jack assembly, the screw jack assembly

comprising a screw threadingly connected to the bight portion of the base frame and associated with the mast such that when the screw is rotated, the incline of the mast is adjusted relative to the translation assembly.

The teachings of the Vermette et al. reference, the Cofer reference, and the Mayle reference are detailed above. The comments concerning the teachings of the Vermette et al. reference, the Cofer reference, and the Mayle reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Cofer reference and the Mayle reference do not supply the deficiencies of the teachings of the Vermette et al. reference.

For the reasons set forth above, it is respectfully submitted that the Vermette et al. reference does not disclose a portable apparatus having a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a *forward tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly* per the expressly laid out elements of claim 1 nor the portable apparatus for moving a workload, comprising: a base frame having an expandable portion adapted to allow for expansion of the base frame and a bight portion engaging the expandable portion; a non-extendable mast connected to the bight portion of the base frame so as to

be centrally supported by the bight portion of the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; the mast being L- shaped and comprising a foot portion and an elongated member connected to the foot portion; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast, the lifting assembly comprising a lifting frame for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocateably traverseable generally along at least a portion of the length of the mast and a hoist assembly engaging the lifting frame via a flexible belt, wherein the hoist assembly retracts or advances the flexible belt to cause the lift assembly to traverse generally along at least a portion of the length of the mast; a translation assembly associated with the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast wherein the tilting assembly includes a screw jack assembly, the screw jack assembly comprising a screw threadingly connected to the bight portion of the base frame and associated with the mast such that when the screw is rotated, the incline of the mast is adjusted relative to the translation assembly per the expressly laid out elements of claim 35; and the Cofer reference and the Mayle reference do not supply the deficiencies of the

Vermette et al. reference. None of the references, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claims 1 and 35, as amended, and thus claims 32, 36-37, 42-45, 47, 48, and 60 that depend therefrom.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 32, 35-37, 42-45, 47, 48, and 60-62 , under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

#### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 50 and 54-55 under 35 U.S.C. 103(a) as being unpatentable over Vermette et al. (US 4,421,209) in view of Cofer (US 3,951,287) and Mayle (US 4,854,804) and further in view of Lehman (US 5,207,550).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 50 and 54-55 under 35 U.S.C. § 103(a). That is, it is respectfully submitted that the prior art references of Vermette et al., Cofer, Mayle, and Lehman, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in independent claim 35, as amended.

Applicant's claim 35, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame having an expandable portion adapted to allow for expansion of the base frame and a bight portion engaging the expandable portion; a non-extendable mast connected to the bight portion of the base frame so as to be centrally supported by the bight portion of the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; the mast being L- shaped and comprising a foot portion and an elongated member connected to the foot portion; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast, the lifting assembly comprising a lifting frame for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocateably traverseable generally along at least a portion of the length of the mast and a hoist assembly engaging the lifting frame via a flexible belt, wherein the hoist assembly retracts or advances the flexible belt to cause the lift assembly to traverse generally along at least a portion of the length of the mast; a translation assembly associated with the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast wherein the tilting assembly includes a screw jack assembly, the screw jack assembly



comprising a screw threadingly connected to the bight portion of the base frame and associated with the mast such that when the screw is rotated, the incline of the mast is adjusted relative to the translation assembly.

The teachings of the Vermette et al. reference, the Cofer reference, the Mayle reference, and the Lehman reference are detailed above. The comments concerning the teachings of the Vermette et al. reference, the Cofer reference, the Mayle reference, and the Lehman reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Cofer reference, the Mayle reference, and the Lehman reference do not supply the deficiencies of the teachings of the Vermette et al. reference.

For the reasons set forth above, it is respectfully submitted that the Vermette et al. reference does not disclose a portable apparatus for moving a workload, comprising: a base frame having an expandable portion adapted to allow for expansion of the base frame and a bight portion engaging the expandable portion; a non-extendable mast connected to the bight portion of the base frame so as to be centrally supported by the bight portion of the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; the mast being L- shaped and comprising a foot portion and an

elongated member connected to the foot portion; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast, the lifting assembly comprising a lifting frame for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocateably traverseable generally along at least a portion of the length of the mast and a hoist assembly engaging the lifting frame via a flexible belt, wherein the hoist assembly retracts or advances the flexible belt to cause the lift assembly to traverse generally along at least a portion of the length of the mast; a translation assembly associated with the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast wherein the tilting assembly includes a screw jack assembly, the screw jack assembly comprising a screw threadingly connected to the bight portion of the base frame and associated with the mast such that when the screw is rotated, the incline of the mast is adjusted relative to the translation assembly per the expressly laid out elements of claim 35; and the Cofer reference, the Mayle reference, and the Lehman reference do not supply the deficiencies of the Vermette et al. reference. None of the references, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in

Applicant's claim 35, as amended, and thus claims 50 and 54-55 for depending therefrom.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 50 and 54-55, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 51-53 under 35 U.S.C. 103(a) as being unpatentable over Vermette et al. (US 4,421,209) in view of Cofer (US 3,951,287) and Mayle (US 4,854,804) and Lehman (US 5,207,550) and further in view of Vermette (US 3,587,892).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 51-53 under 35 U.S.C. § 103(a) is traversed. That is, it is respectfully submitted that the prior art references of Vermette et al. '209, Cofer, Mayle, Lehman, and Vermette '892, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in independent claim 35, as amended.

Applicant's claim 35, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame having an expandable portion adapted to allow for expansion of the base frame and a

bight portion engaging the expandable portion; a non-extendable mast connected to the bight portion of the base frame so as to be centrally supported by the bight portion of the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; the mast being L- shaped and comprising a foot portion and an elongated member connected to the foot portion; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast, the lifting assembly comprising a lifting frame for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocateably traverseable generally along at least a portion of the length of the mast and a hoist assembly engaging the lifting frame via a flexible belt, wherein the hoist assembly retracts or advances the flexible belt to cause the lift assembly to traverse generally along at least a portion of the length of the mast; a translation assembly associated with the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast wherein the tilting assembly includes a screw jack assembly, the screw jack assembly comprising a screw threadingly connected to the bight portion of the base frame and associated with the mast such that when the screw is rotated, the incline of the mast is adjusted relative to the translation assembly.

The teachings of the Vermette et al. reference '209, the Cofer reference, the Mayle reference, the Lehman reference, and the Vermette '892 reference are detailed above. The comments concerning the teachings of the Vermette et al. reference '209, the Cofer reference, the Mayle reference, the Lehman reference, and the Vermette '892 reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Cofer reference, the Mayle reference, the Lehman reference, and the Vermette '892 reference do not supply the deficiencies of the teachings of the Vermette et al. reference.

For the reasons set forth above, it is respectfully submitted that the Vermette et al. '209 reference does not disclose a portable apparatus for moving a workload, comprising: a base frame having an expandable portion adapted to allow for expansion of the base frame and a bight portion engaging the expandable portion; a non-extendable mast connected to the bight portion of the base frame so as to be centrally supported by the bight portion of the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; the mast being L- shaped and comprising a foot portion and an elongated member connected to the foot portion; a lifting assembly

associated with the mast for lifting the workload along at least a portion of the length of the mast, the lifting assembly comprising a lifting frame for supporting at least a portion of the workload, the lifting frame longitudinally and reciprocateably traverseable generally along at least a portion of the length of the mast and a hoist assembly engaging the lifting frame via a flexible belt, wherein the hoist assembly retracts or advances the flexible belt to cause the lift assembly to traverse generally along at least a portion of the length of the mast; a translation assembly associated with the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward tilting assembly associated with the mast for adjusting an incline of the mast wherein the tilting assembly includes a screw jack assembly, the screw jack assembly comprising a screw threadingly connected to the bight portion of the base frame and associated with the mast such that when the screw is rotated, the incline of the mast is adjusted relative to the translation assembly per the expressly laid out elements of claim 35; and the Cofer reference, the Mayle reference, the Lehman reference, and the Vermette '892 reference do not supply the deficiencies of the Vermette et al. '209 reference. None of the references, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claim 35, as amended, and thus claims 51-53 for depending therefrom.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 51-53, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 15-18, 30, and 31 under 35 U.S.C. 103(a) as being unpatentable over Cofer (US 3,951,287) in view of Vermette et al. (US 4,421,209).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 15-18, 30, and 31 under 35 U.S.C. § 103(a) is traversed. That is, it is respectfully submitted that the prior art references of Cofer and Vermette et al., whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in claim 1.

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward

tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The teachings of the Cofer reference and the Vermette et al. reference were detailed above. The comments concerning the teachings of the Cofer reference and the Vermette et al. reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Vermette et al. reference does not supply the deficiencies of the teachings of the Cofer reference.

For the reasons set forth above, it is respectfully submitted that the Cofer reference does not disclose a portable apparatus having a *non-extendable mast* supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast per the expressly laid out elements of claim 1; and the Vermette et al. reference does not supply the deficiencies of the Cofer reference. Neither reference, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claim 1, as amended, and thus claims 15-18, 30, and 31 for depending therefrom.



In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 15-18, 30, and 31, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

### **Claim Rejections - 35 USC § 103**

In the Office Action dated May 18, 2006, the Examiner rejected claims 32-34 under 35 U.S.C. 103(a) as being unpatentable over Cofer (US 3,951,287) in view of Mayle (US 4,854,804).

Applicant respectfully traverses the above-stated rejection of Applicant's claims 32-34 under 35 U.S.C. § 103(a). That is, it is respectfully submitted that the prior art references of Cofer and Mayle, whether viewed singularly or in combination, do not disclose, teach or even suggest the invention recited in claim 1.

Applicant's claim 1, as presently amended, is directed to a portable apparatus for moving a workload, comprising: a base frame; a non-extendable mast supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast; a lifting assembly associated with the mast for lifting the workload along at least a portion of the length of the mast; a translation assembly connected to the base frame, the translation assembly adapted to facilitate movement of the portable apparatus; and a forward

tilting assembly associated with the mast for adjusting an incline of the mast relative to the translation assembly.

The teachings of the Cofer reference and the Mayle reference were detailed above. The comments concerning the teachings of the Cofer reference and the Mayle reference are expressly incorporated herein by reference and are not repeated for the sake of brevity.

Contrary to the Examiner's position, it is respectfully submitted that the Mayle reference does not supply the deficiencies of the teachings of the Cofer reference.

For the reasons set forth above, it is respectfully submitted that the Cofer reference does not disclose a portable apparatus having a *non-extendable mast* supported by the base frame, the mast having a first end, a second end, and a length extending between the first end of the mast and the second end of the mast per the expressly laid out elements of claim 1; and the Mayle reference does not supply the deficiencies of the Cofer reference. Neither reference, either singularly or in combination discloses, teaches, or even suggests the portable apparatus recited in Applicant's claim 1, as amended, and thus claims 32-34 for depending therefrom.

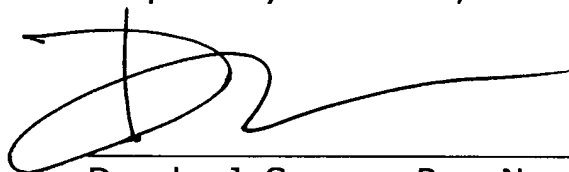
In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 32-34, under 35 U.S.C. § 103(a), as applicable to claims now pending in the application.

### **Conclusion**

It is respectfully submitted that this application, as now amended, is in condition for allowance for the reasons stated above. Therefore, it is requested that the Examiner reconsider each and every rejection as applicable to the claims now pending in the application and pass such claims to an expedient issue.

This amendment is intended to be a complete response to the Notice of Non-Compliant Amendment mailed February 5, 2007. In the event that any outstanding issues remain that would delay the allowance of this application, the examiner is urged to contact the undersigned to **telephonically** discuss such outstanding issues.

Respectfully submitted,



---

Douglas J. Sorocco, Reg. No. 43,145  
DUNLAP, CODDING & ROGERS, P.C.  
P.O. Box 16370  
Oklahoma City, OK 73113  
Customer No. 30589  
(405) 607-8600 Office  
(405) 607-8686 Facsimile  
Attorney for Applicant  
[doug\\_sorocco@okpatents.com](mailto:doug_sorocco@okpatents.com)